



AP3 Rec'd PCT/PTO 05 MAY 2006

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ATTORNEY DOCKET NO.: 0079571-0094 (BU82)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Collins, <i>et al.</i>	Examiner:	Not Yet Assigned
Serial No.:	10/535,128	Art Unit:	Not Yet Assigned
Filing Date:	May 16, 2005		
Title:	CIS/TRANS RIBOREGULATORS		

Mail Stop: Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Enclosed are the following documents:

1. Statement under 37 C.F.R. §§ 1.56, 1.97, and 1.98 (5 pages);
2. Form PTO-1449 (6 pages);
3. Cited Art (88 references); and
4. Return Postcard.

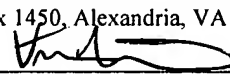
If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,


Brenda Herschbach Jarrell, Ph.D.
Registration No. 39,223

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Dated: ~~April~~ ^{May} 2, 2006

Certificate of Mailing	
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
^{May} April 2, 2006	
Date	Signature
Vincent Montalbano	
Typed or Printed Name of person signing certificate	



ATTORNEY DOCKET NO.: 0079571-0094 (BU82)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT UNDER 37 C.F.R. §§ 1.56, 1.97, AND 1.98

Pursuant to the duty of disclosure under 37 C.F.R §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement


The present Information Disclosure Statement is:

- ☒ An *original* Information Disclosure Statement; or
- ☐ A *supplemental* Information Disclosure Statement.

Certificate of Mailing

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop: Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 2, 2006
Date


Signature

Vincent Montalbano
Name of Person Signing

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
 - ☒ Before the mailing of a first Office action on the merits; or
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
- ☐ Certifies that *either*:
 - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the

information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; or

☐ Includes herewith the fee set forth in § 1.17(p),

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; and

☐ Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☒ A copy of each cited reference not indicated with an asterisk is included;
- ☐ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☒ Does not contain non-English language citations;
- ☐ Includes one or more translations of a non-English citation; or
- ☐ Does contain non-English language citations, of which the following is a concise explanation:

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 USC § 102.


It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,

Dated: ^{May}~~April~~ 2, 2006


Brenda Herschbach Jarrell, Ph.D.
Registration No. 39,223

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INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Applicant: Collins, *et al.*Filing Date:
May 16, 2005

Group:

U.S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	5,977,089	Arimilli, <i>et al.</i>	November 2, 1999	514	81
	6,005,087	Cook, <i>et al.</i>	December 21, 1999	536	23.1
	6,031,086	Switzer	February 29, 2000	536	23.1
	6,127,533	Cook, <i>et al.</i>	October 3, 2000	536	23.1
	6,225,460	Bischofberger, <i>et al.</i>	May 1, 2001	536	26.1
	6,399,754	Cook	June 4, 2002	536	23.1
	6,403,779	Kawasaki, <i>et al.</i>	June 11, 2002	536	23.1

U.S. PATENT APPLICATIONS

Examiner's Initials:	Publication Number:	Applicant:	Publication Date:	Group:	Art Unit:

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No

OTHER DOCUMENTS

Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)
	Akerley, B. J., et al., "Systematic Identification Of Essential Genes By <i>In Vitro</i> Mariner Mutagenesis.", <i>Proc. Natl. Acad. Sci. U.S.A.</i> 95 : 8927-8932, 1998.
	Al-Qahtani, A. and Mensa-Wilmot, K., "A 5' Untranslated Region Which Directs Accurate And Robust Translation By Prokaryotic And Mammalian Ribosomes.", <i>Nucleic Acids Res.</i> , 24 (6): 1173-1174, 1996.
	Altuvia, S. and Wagner, E. G. H., "Switching On And Off With RNA.", <i>Proc. Natl. Acad. Sci. U.S.A.</i> 97 (18): 9824-9826, 2000.
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INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Applicant: Collins, *et al.*

Filing Date:
May 16, 2005

Group:

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Form PTO-1449 (REV. 8-83)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket: 0079571-0094	In re Application No. 10/535,128
INFORMATION DISCLOSURE STATEMENT <i>(Use several sheets if necessary)</i>		Applicant: Collins, <i>et al.</i>	
		Filing Date: May 16, 2005	Group:
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				Filing Date: May 16, 2005	Group:
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	Mandal, M., et al., "Riboswitches Control Fundamental Biochemical Pathways In <i>Bacillus Subtilis</i> And Other Bacteria.", <i>Cell</i> 113 : 577-586, 2003.				
	Martinez-Salas, E., "Internal Ribosome Entry Site Biology And Its Use In Expression Vectors.", <i>Current Opinion in Biotechnology.</i> 10 : 458-464, 1999.				
	Mathews, D.H., et al., "Expanded Sequence Dependence Of Thermodynamic Parameters Improves Prediction Of RNA Secondary Structure.", <i>J. Mol. Biol.</i> 288 : 911-940, 1999.				

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	Mironov, A., et al., "Sensing Small Molecules By Nascent RNA: A Mechanism To Control Transcription In Bacteria.", <i>Cell</i> 111 : 747-756, 2002.		
	Morfeldt, E., et al., "Activation Of Alpha-Toxin Translation In <i>Staphylococcus Aureus</i> By The Trans-Encoded Antisense RNA, RNAIII.", <i>EMBOJ</i> 14 (18): 4569-4577, 1995.		
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Tuerk, C. and Gold, L., "Systematic Evolution Of Ligands By Exponential Enrichment: RNA Ligands To Bacteriophage T4 DNA Polymerase.", *Science* **249**: 505-510, 1990.

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Zaccolo, M., et al., "The Effect Of High-Frequency Random Mutagenesis On *In Vitro* Protein Evolution: A Study On TEM-1 β -Lactamase.", *J. Mol. Biol.*, **285**: 775-783, 1999.

Zuker, M., "Mfold Web Server For Nucleic Acid Folding And Hybridization Prediction.", *Nucleic Acids Res.* **31**: 3406-3415, 2003.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.